

The 5th August, 1968

No. 7098-3Lab-68/19846. In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and management of M/s G.D. Industries, (P) Ltd; Mathura Road, Faridabad :—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD.

Reference No. 131 of 1967

between

SHRI BALBIR SINGH WORKMAN AND THE MANAGEMENT OF M/s G. D. INDUSTRIES,
(P) LTD., MATHURA ROAD, FARIDABAD

Presence :

Shri R. L. Sharma, for the workmen.

Shri D. C. Bhardwaj, for the management,

AWARD

Shri Balbir Singh was in the service of M/s G. D. Industries (P) Ltd., 13/7, Mathura Road, Faridabad. He states that the management has terminated his services without any prior notice or giving him any charge-sheet. This gave rise to an Industrial Dispute and the President of India in exercise of the powers conferred by clause (c) of sub section (1) of section 10 read with proviso to that sub-section of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—*vide* Government Gazette Notification No. ID/FD/328A, dated 15th December, 1967.

Whether the termination of service of Shri Balbir Singh was justified and in order. If not to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which the workman filed his statement of claim and the management filed their written statement. On behalf of the management it is pleaded that the name of the claimant Shri Balbir Singh still exists on the rolls of the respondent company but he is not fit to resume duty because he is suffering from T. B. It is pleaded that the management is still willing to provide work to the claimant if he brings a medical certificate of fitness. The pleadings of the parties gave rise to the following issues:—

1. Whether the claimant Shri Balbir Singh is medically fit to resume duty?
2. Whether the services of the claimant have been terminated by the respondent company?
3. To what relief if any the applicant is entitled?

Issue No. 1.—The claimant Shri Balbir Singh himself admits in his evidence that on account of his illness, he is not yet fit to resume his duty because of his illness. In fact the grievance of the applicant is that the management is not cooperating with him in getting him properly treated under the Employees State Insurance Scheme because the forms which are filled up by the management to enable him to get his treatment are not properly filled up. Shri Tilak Ram, Incharge of the Time Office of the respondent concern also states that the name of the claimant still exists on the rolls but he is not fit to resume his duty because he is suffering from T.B. and has not brought medical certificate of fitness. I therefore, find this issue in favour of the management.

Issues Nos. 2 and 3.—These issues do not arise in view of my findings on issue No. 1.

In view of my findings on issue No. 1 must be held that the reference is premature because the service of the respondent has not been terminated by the management so far. I give my award accordingly. No order as to costs.

Dated 25th July, 1968.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

No. 1369, dated 29th July, 1968.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 25th July, 1968.

P. N. THUKRAL,
Presiding Officer,
Labour Court Faridabad.